

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ARNOLDO NAVARETTE,

Plaintiff,

v.

No. 18-cv-0057 WJ/SMV

**CORIZON LLC, FNU WALDEN,
NORTHEASTERN NEW MEXICO
DETENTION FACILITY, and GEO GROUP,**

Defendants.

ORDER TO AMEND COMPLAINT AND FOR SERVICE OF PROCESS

THIS MATTER is before the Court sua sponte. Plaintiff Arnolando Navarette filed his Tort Claim Civil Lawsuit, pro se, on January 17, 2018. [Doc. 1]. The Court granted Plaintiff leave to proceed under 28 U.S.C. § 1915 on February 21, 2018. [Doc. 7]. On August 14, 2018, attorney Jason S. Montclare, Esq., entered an appearance as counsel of record for Plaintiff. [Doc. 17].

Plaintiff's Tort Claim Civil Lawsuit appears to seek to assert prisoner civil rights claims under 42 U.S.C. § 1983. *See* [Doc. 1]. However, the Tort Claim Civil Lawsuit is not in proper form, fails to clearly allege claims that comport with the pleading requirements of *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007), and fails to comply with the requirements of Fed. R. Civ. P. 8. Rule 8(a) requires that a complaint set out a short, plain statement of the claim showing that the pleader is entitled to relief. The Court will order Plaintiff to file an amended complaint in proper form, consistent with *Twombly* and in compliance with Fed. R. Civ. P. 8 within 30 days of entry of this Order.

The Court will also order that the amended complaint be served on the defendants named in that amended complaint under Fed. R. Civ. P. 4. Because Plaintiff proceeds *in forma pauperis* under § 1915, Plaintiff may request that the Court effectuate service of process pursuant to Fed. R. Civ. P. 4(c)(3) and § 1915(d). The Court also orders Plaintiff to notify the Court, in writing at the time of filing the amended complaint, whether counsel will undertake service of process or whether Plaintiff is requesting the Court issue and serve process under Rule 4(c)(3) and § 1915(d). If Plaintiff requests that the Court undertake issuance and service of process, Plaintiff must also provide the Court with the addresses for service of process on the defendants in his notice.

IT IS ORDERED that:

- (1) Plaintiff file an amended complaint no later than **September 17, 2018**;
- (2) the Defendants be served with the amended complaint; and
- (3) at the time of filing the amended complaint, counsel for Plaintiff notify the Court, in writing, whether counsel will conduct service of process on the defendants or whether Plaintiff is requesting issuance and service of process by the Court under Fed. R. Civ. 4(c)(3) and § 1915(d). If Plaintiff is requesting issuance and service of process by the Court, Plaintiff must include the addresses for service on the defendants in his notice to the Court.



STEPHAN M. VIDMAR
United States Magistrate Judge